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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,864	03/16/2005	Adrianus Johannes Stephanes Maria De Vaan	NL 020903	9326

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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KONG, ANDREW D

ART UNIT	PAPER NUMBER
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2851

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/527,864

Applicant(s)

DE VAAN, ADRIANUS JOHANNES  
STEPHANES MA

Examiner

Andrew Kong

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 Feb. 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10,12 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/16/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Species I, Figure 4 (claims 1,2,4-8 and 10-12) in the reply filed on 21 Feb. 2007 is acknowledged. The traversal is on the ground(s) that the subject matter of all claims is sufficiently related and that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. This is not found persuasive because this type of argument is merely an allegation and not evidence. Applicant has not shown how they are related and how the search for one would encompass a search for the others.

The requirement is still deemed proper and is therefore made FINAL.

Claims 3 and 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 21 Feb. 2007.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,4-8 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Maximus (US 6,830,339).

Re claim 1, Maximus teaches a projection device for projecting an image comprising: an illumination means (12) having an entrance (6) for entering light from a light source, a polarization-selective mirror (42) for transmitting a first polarization component of said light and reflecting a second polarization component, a display panel (LCOS 44) having a dichroic filter means for filtering colour components (it is well known in the art that LCOS panels are reflective micro-devices with some type of passivation layer such as a dichroic/polarization filter layer) of said transmitted first polarization component and a controllable reflection means for changing the state of polarization of said colour components depending on a control signal and for reflecting said filtered colour components back to said polarization-selective mirror and a projection means (40) for projecting the image, wherein said polarization-selective mirror is adapted to reflect light of a changed state of polarization to said projection means and for transmitting light of an unchanged state of polarization back to said illumination means (PBS 42 transmits P polarized light and reflects S polarized light beams).

Claims 8 and 12 are rejected for the same reason(s) as above.

Re claim 2, the projection device of claim 1, wherein said illumination means includes an entrance mirror (22) for reflecting light transmitted back from said polarization-selective mirror back to said polarization-selective mirror.

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Re claim 4, the projection device of claim 1, wherein said illumination means including reflective boundaries for reflecting incident light without changing the light distribution. See paragraph [0068].

Re claim 5, the projection device of claim 1, wherein said illumination means includes a glass prism (42).

Re claim 6, the projection device of claim 1, wherein said polarization-selective mirror is made of two prisms (the PBS prism has 2 parts) carrying a reflective polarizer in between.

Re claim 7, the projection device of claim 6, wherein the reflective polarizer in between the two prisms is a wire grid polarizer (see paragraph [0023]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maximus (US 6,830,339) in view of Weber et al. (US 2003/0016334).

Maximus teaches the salient features as above except an imaging prism which is made of glass having a low stress birefringence constant.

Weber teaches an imaging prism which is made of glass having a low stress birefringence constant. See paragraph [0021].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Maximus to use low stress birefringence constant for the prism such as taught by Weber for the purpose of improving the image quality by reducing the distortion.

***Allowable Subject Matter***

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The prior art of record neither shows nor suggests the elements of dependent claim 11 and in particular "...said display panel includes a projection area for reflecting light to the projection means having a cross-sectional area that is smaller than the cross-sectional area of the illumination means and a reflection area outside the projection area with a reflective layer for reflecting light back to the illumination means."

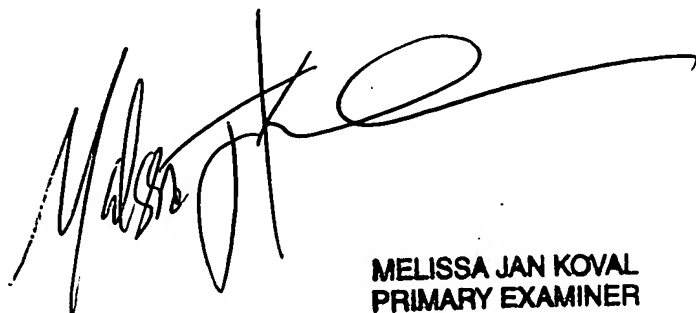
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kong whose telephone number is 571-272-8062. The examiner can normally be reached on Mon - Fri (8am - 5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on 571-272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK



MELISSA JAN KOVAL  
PRIMARY EXAMINER